

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 17, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Program Administrator
Amy Goobic, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. McAden, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Mr. McAden advised the section of the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Stephenson moved to approve the agenda. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

Regarding **File number 2010-02762, Frederick Allen Gibson**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Gibson. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violation of the Board regulations: 18VAC10-20-370.D.2 (Count 1). For this violation Mr. Gibson agrees to the following sanction: \$600.00 for the violation contained in Count 1 as well as \$150.00 in Board costs for a total monetary penalty of \$750.00. In addition, Mr. Gibson agrees to complete at least eight (8) classroom hours of continuing education pertaining to boundary surveying and/or other equivalent

File Number 2010- 02762, Frederick Allen Gibson

course approved by the Board and provide proof of attendance and successful completion within twelve (12) months of the effective date of this order. Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. As the presiding Board member, Ms. McIntyre was not present during the discussion or vote.

Regarding **File number 2010-04270, George W. Robertson**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Robertson. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violation of the Board regulations: 18VAC10-20-370.D.2 (Count 1). For this violation Mr. Robertson agrees to the following sanction: \$900.00 for the violation contained in Count 1 as well as \$150.00 in Board costs for a total monetary penalty of \$1,050.00. In addition, Mr. Robertson agrees to complete at least eight (8) classroom hours of continuing education pertaining to boundary surveying and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within twelve (12) months of the effective date of this order. Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. As the presiding Board member, Ms. McIntyre was not present during the discussion or vote.

File Number 2010-04270, George W. Robertson

Discussion was held on a request from Mr. Richard Costello, P.E., regarding clarification of whether “correcting or modifying” a professional’s plan without written permission is a violation of the Board’s regulations. Ms. Nosbisch informed the Section that the letter had also been discussed at the November 5 Professional Engineers Section meeting. The PE Section referred to 18VAC10-20-740, and agreed that there is a distinct difference between “completing” or “replicating” a plan (18VAC10-20-740.D) and correcting or modifying. Regulation 18VAC10-20-740.D specifically addresses “completing” or “replicating” and does not specifically address “correcting or modifying” a plan.

Request for Board Interpretation from Richard Costello, PE – Correcting and/or Modifying Plans

Nonetheless, if a professional is using a plan to correct or modify and existing structure, they are taking responsibility for the modification and ensuring that the correction or modification has no adverse ramification on the rest of the design. However, the “corrected or modified” plan should note sourcing information, and that field verification of the information from the original plan must be performed.

The Section agreed by consensus with the PE Section.

Discussion was held on a second request from Mr. Richard Costello, P.E.,

Request for Board

regarding the Virginia High Voltage Line Safety Act, certain sections of the National Electric Code and the responsibility of surveyors to include this information on subdivision plans or “house permit plans or plots.” The Section agreed that this was more of a building code issue, that the information would be included in the easements. With regards to the “house permit plans or plots,” the Section stated that the Board does not regulate house permit plans or plots, they are regulated by the DHCD.

**Interpretation from
Richard Costello,
PE – VHVLSA &
NEC Related to
Surveying
Requirements**

Mr. Dunlap was present to address the Section. As a courtesy, the Section allowed Mr. Dunlap to speak, as he was late due to traffic. Mr. Dunlap reiterated his concerns contained in his correspondence and answered questions by the Section.

**Request for Board
Interpretation from
Chuck Dunlap, LS –
Regarding VDOT**

The Section was presented with correspondence received from Mr. Dunlap, regarding VDOT/Fairfax County and their requirement for a Professional Engineer to sign/seal certain documents. Mr. Dunlap holds a Land Surveyor B license and feels that he should be allowed, according to statute, to sign/seal documents that contain engineering incidental to his project. Mr. Dunlap explained that in one instance he was permitted to design the road changes, but was not allowed to seal/stamp the road markings. The Section agreed that according to the Board’s statutes, a licensed land surveyor may be qualified to sign/seal such documents. Mr. Stephenson made a motion to have a letter drafted to VDOT stating that under 54.1-408 of the *Code of Virginia*, Mr. Dunlap was indeed qualified to sign/seal these documents. The letter would be presented to the APELSCIDLA Board at the December 16 meeting. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden, McIntyre and Stephenson.

The Section members recessed from 10:20 a.m. until 10:30 a.m.

Recess

The Section reviewed correspondence from Mr. Jerry Taylor from East Tennessee State University, requesting the Section review the Surveying Hydrology course syllabus. The Section agreed that based on the information provided, the course appears to qualify for an acceptable hydrology course. However, it may have to be determined on a case-by-case basis, as the Board does not *approve* courses.

**Discussion on East
Tennessee State
University
Surveying
Hydrology Course**

Discussion was held on the NSPS Certified Survey Technician program and whether the program could be used for years of experience toward qualifying for the LSIT. The Section determined that if 480 classroom hours can *be verified*, then this program would qualify, in addition to successfully completing exams to Level IV.

**Discussion on NSPS
Certified Survey
Technician Program**

Ms. Nosbisch informed the Section that American National Standards Institute had recently approved the Model Law Surveyor standard developed by NCEES. The Section members were also provided with election results from the NCEES Annual Conference in August, and were informed of the NCEES 2009 Engineering Awards.

**Review of NCEES
Topics**

Ms. Nosbisch informed the Section that the first Regulatory Review Committee meeting would be held December 16, 2009, following the APELSCIDLA Board meeting.

Regulatory Review

There was no other business.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:59 a.m.

Adjourn

John McAden, Chair

Jay W. DeBoer, Secretary